

May 9, 1975

and any of the other 91 would be that if they wanted to circumvent or escape sub-division regulations they would have to have more than five acres. Presently you see a lot of five acre groups of housing located in rural Lancaster County for instance, and the reason for that is that they don't have to go before the County Board of sub-division regulations. Of course the home builders would like to continue that practice and the counties that have talked to me would like to provide little wider scrutiny in order and move it up to ten acres, so that is the only controversial point that I know of on the bill. As I say if that is something that someone wants to address themselves to on Select File, I have an amendment which will take it out and leave it where it is. There is one other section that I want to call your attention too and that is section ten. It would undo something that this body did last year, which is causing planners and attorneys who specialize in land use considerable concern around the state in smaller cities in the state, first class, second class and villages, because it seems to eliminate the constitutional protections provided to property holders under the US and state constitution. It does not require that there be a comprehensive plan adopted by a governing body before they can regulate a mans property under police powers. They can do it now arbitrarily. This is something that all of us kind of held our breath on because we found that many of the actions taken around the state since last year could be challenged on constitutional grounds. This would correct that problem. Thus far I have received no adverse comments on it however. I think that is all that I have to say on the bill, and as I said for those of you that are interested in the controversy about 5-10 acres if you want to tackle that I will provide you with the amendatory language and whatever is the will of the body on that one. We have home builders lined up on one side and county officials lined up on the other side, but that is the single section, excuse me that is section 30 and a small part of section 7 that we would have to take out. I would urge that you do that on Select File and I'll welcome an amendment if someone wants to test the water in that area. Therefore I would move for the adoption of the bill, the advancement of the bill which is a long bill but the purpose is to clarify procedures and I think that, and it is dangerous to say this, it is non-controversial.

PRESIDENT: Senator Dickinson. Excuse me, Senator George had his light on first.

SENATOR GEORGE: Mr. President, I stand here to support Senator Bereuter's bill. Sometimes I take a bill back home and have it checked out by an informal group with the Chamber of Commerce and by some people in city government, and some people in county government. LB410 happened to be one of them that I had checked out back home, so in case that you have some doubts as to what your people might think of it, I've got only positive comments on LB410. I would be very much against it if somebody would take up